Remarks

Reconsideration of the above referenced application in view of the enclosed amendment and remarks is requested. Claims 1, 15, 21, 24 and 28 have been amended. Existing Claims 1-22 and 24-31 remain in the application.

ARGUMENT

Claims 1-22 and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPGPUB 2005/0138106 to Crookham et al. (hereinafter, "Crookham") in view of USPN 7,025,674 to Adams et al. (hereinafter, "Adams"). This rejection is respectfully traversed and Claims 1-22 and 24-31 are believed allowable based on the following discussion.

The Examiner seems to misunderstand the crux of Applicant's invention. Applicant's claimed invention is directed to online analytical processing and the display thereof of data, where the analysis relates to measurements, or metrics, corresponding to online activity, online events, online transactions, etc. It would have been understood by one of ordinary skill in the art at the time of the invention, that the online analysis of data is meant to use: "data regarding web site usage statistics, elapsed time to complete electronic requests, transactional information, and many other types of information relating to online activity." (See Background, Page 2). One of skill in the art would have recognized that "a need exists for techniques to collect and report online data, for multiple uses that may include, for example, web site improvements, evaluating efficiencies, or any number of other purposes." (See Background, Page 2). Applicant's claims have been clear about the purpose of the received/collected electronic data, i.e., "the electronic data to be used for online analytical processing of data." Thus, the amendments to Claims 1, 15, 21, 24 and 28 are merely to clarify to the Examiner that the collection of electronic data is metrics corresponding to the online activity, but this would have been understood by one of ordinary skill in the art. Thus, it is believed that these amendments do not change the scope or interpretation of the claims, or require further search.

The Examiner admits that Crookham does not indicate that "electronic data relates to online activity comprising online events and or online electronic transactions, the electronic data to be use for online analytical processing of data." A current definition of OLAP (online

analytical processing) may be found on the public Internet at URL en*wikipedia*org/wiki/OLAP. Periods have been replaced with asterisks to avoid inadvertent hyperlinks. It is there defined that

> "Online Analytical Processing, or OLAP (IPA: [o : læp]), is an approach to quickly providing answers to analytical queries that are multidimensional in nature. OLAP is part of the broader category business intelligence, which also includes Extract transform load (ETL), relational reporting and data mining. The typical applications of OLAP are in business reporting for sales, marketing, management reporting, business process management (BPM), budgeting and forecasting, financial reporting and similar areas. The term OLAP was created as a slight modification of the traditional database term OLTP (Online Transaction Processing).
>
> Databases configured for OLAP employ a multidimensional data model, allowing for complex analytical and ad-hoc queries with a rapid execution time. Nigel Pendse has suggested that an alternative and perhaps more descriptive term to describe the concept of OLAP is Fast Analysis of Shared Multidimensional Information (FASMI). They borrow aspects of navigational databases and hierarchical databases that are speedier than their relational kin.
>
> The output of an OLAP query is typically displayed in a matrix (or pivot) format. The dimensions form the row and column of the matrix; the measures, the values."

First, the Examiner cites Crookham when it is clear that Crookham is directed to a non-analogous problem. Crookham does not relate to online activity, but only to use of a physical scoreboard and lighting systems. Thus, combining this reference with any reference relating on measuring online activity and OLAP is counter-intuitive.

Second, the Examiner asserts that Adams teaches electronic data related to online activity comprising online events and or online electronic transactions, the electronic data to be used for online analytical processing of data..." The Examiner suggests that redeeming promotional points online teaches this. Whether a purchaser is likely to return to a sponsor website because the purchaser is comfortable and has "learned" how to buy merchandise from this site is completely irrelevant to Applicant's invention.

The Examiner makes an unfounded assertion that because Adams teaches returning to a website that it would have been obvious to retrofit Crookham's invention with conventional electronic and electro mechanical games with displays and interactive communication modules as suggested by Adams. However, the Examiner has completely misunderstood Applicant's invention to even suggest such a thing.

Applicant's invention is not directed toward gaming at all. The use of the term "scoreboard" is merely a suggestion of representation of the analytical data and has as much to do with scores of an online game as a microwave oven. Electronic data relating to accumulating and redeeming promotional points is not at all related to *metrics corresponding to online activity*. One cannot read the claims in a vacuum. Applicant clearly describes what is meant by online activity and what types of measurements and analysis is meant by the claim language. For instance, the Background defines the measured data as: data regarding web site usage statistics, elapsed time to complete electronic requests, transactional information, and many other types of information relating to online activity." Possible uses for this data are techniques to collect and report online data, for multiple uses that may include, for example, web site improvements, evaluating efficiencies, or any number of other purposes. Also, on page 3 it is described that:

> "The purposes for reporting electronic data are varied, but may be for assessing web site efficiencies or usage, analyzing online business transactions, or for a variety of other reasons. In this context, "data" may comprise data regarding any online event or electronic transaction, which may be as diverse as the number of web site "hits" in a given period of time, typical user responses within a web page, the time to complete an electronic transaction such as via one or a series of related http requests, the number of occurrences of a text value, such as a name of a computer, a user, or a URL (uniform resource locators) on a web site, or even Boolean values that may represent occurrences of certain electronic transactions, such as user responses to an online survey, for example. In this context, electronic data may also include numerical representations of data. However, there are, of course, many different types and categories of data that may be collected and reported, and the invention is not limited in scope to a particular type of category. Depending on the particular situation, some data types may be more desirable than others, however, all such types are included within the scope of the invention."

It will be understood that the electronic data collected are metrics and measurements of various online activities, and not information regarding a single user response, or outcome of an online game. The only relevance of on-line gaming would be in metrics collected that measure the use of the web site, for instance, information regarding the efficiency of the web site, response time, number of hits the gaming site gets in a period of time, etc. Data relating to promotional points to be retrieved by a user is not the type of data that would be used in the online analytical processing. It is believed that the claim term (i.e., "*wherein the electronic data comprise metrics corresponding to online activity, and wherein online activity relates to data comprising online events and/or online electronic transactions, the electronic data to be used for*

online analytical processing of data") will be widely understood by those of skill in the art and that enumeration in the claim of every type of electronic data to be received is unnecessary to make one of ordinary skill in the art understand the meaning and scope of the claim. Thus, it is believed that the claims as previously examined and presented are sufficiently distinguishable from the cited art without unnecessarily limiting the electronic data to enumerated types.

The Examiner asserts that Applicant has argued against the references "individually." This is incorrect. Applicant points out the deficiencies in Crookham, as admitted to by the Examiner. However, there must be some suggestion or motivation to combine the references, and a combination of the teachings must, in fact, result in the claimed invention. In this case, Crookham does not teach or suggest the use of electronic data comprising metrics corresponding to online activity. Nor does Crookham disclose online analytical processing of data to be displayed in a virtual scoreboard representation. The only scoreboard taught by Crookham is an actual scoreboard. Thus, any combination with any reference that shows any sort of online activity will not result in Applicant's claimed invention.

In this case, the Examiner cites Adams seemingly to show that online activity is used, and since someone, somewhere, has defined an online activity, it would be obvious to modify Crookham to result in Applicant's claimed invention. This is not even remotely possible. There is no suggestion in either reference that would make it obvious to use portions of the teachings and combine them to result in Applicant's invention. Even if there were some external suggestion, which would require Official Notice to be taken by the Examiner, a combination of the two references would not result in Applicant's claimed invention. Neither reference teaches or suggests the collection or display of data comprising metrics, or measurements, of online activity that is appropriate for online analytical processing (OLAP) or display in a virtual scoreboard. Further since the terms "scoreboard" and "OLAP" as used by Applicant are clearly defined within the specification as originally filed, the Examiner is not permitted to read the claims either more broadly than defined, or make a non-conforming interpretation of the claims.

The Examiner fails to present *prima facie* evidence of obviousness, as not all of the claimed limitations are shown in the cited references, either separately, or combined. Thus, Claims 1-22 and 24-31 are believed allowable.

Applicant reiterates the arguments set forth in the Amendment and Response of 27 Feb. 2007. Claims 1, 15, 21, 24 and 28 have been amended merely to clarify the point for the Examiner and put the claims in better condition for Appeal, if necessary. No additional search should be required, as the scope and meaning of the claims has not been altered. Thus, Applicant respectfully requests that the amendments be entered and that Claims 1-22 and 24-31 be permitted to issue at the earliest possible time.

CONCLUSION

In view of the foregoing, Claims 1-22 and 24-31 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (703) 633-6845. Early issuance of Notice of Allowance is respectfully requested. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

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/ Joni D. Stutman-Horn /
Joni D. Stutman-Horn, Reg. No. 42,173
Patent Attorney
Intel Corporation
(703) 633-6845

Intel Corporation
c/o Intellevate, LLC
P.O. Box 52050
Minneapolis, MN 55402